

Letter Brief of Mumia Abu-Tamal, Author

Now comes, Mumia Abu-Tamal, an author of several published works, who offers the instant letter brief in objection to the pending settlement at: The Authors Guild, Inc., et al. v. Google Inc., Nkt. #05 CV 8136 (S.D.N.Y.), and sets forth the following reasons in support thereof:

1) The pending Settlement is violative of Art.1, sec.8 of the U.S. Constitution, in that this instrument renders authority to Congress to legislate upon copyrights, and also vests with Authors the rights, abilities and responsibility to hold and protect their properties in art and/or knowledge of their production. The relevant article states in pertinent part, respecting the Powers of Congress:

"To provide the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." [Art. I., Sec.8.]

Clearly, as Congress has granted the "exclusive" right to authors, any agreement which infringes upon that right cannot be achieved through subterfuge, indirection, or 'secret negotiations.'

In that respect, the Proposed Settlement should be rejected as conducted in violation of the clear language of the U.S. Constitution.

2) The proposed settlement is violative of the Law of Copyright, as encapsulated in both statutory and common-law, inasmuch as it was not done with constructive nor actual notice to the universe of published authors, and moreover violates the underlying principles of copyright as set forth in positive law.

The copyright is a right "granted to the author or originator of certain literary or artistic productions, whereby he is invested, for a limited period, with the *sole and exclusive* privilege of multiplying copies of the same and publishing them and selling them." Black, Law Dict., 5th ed. (1979), 304.

4) Google, Inc. violates the very right of copyright as it appropriated, without permission or right, the works of Authors, and then purports to publish said works, without either the express or implied permissions of the property holders.

How is this anything other than an unlawful taking, and a clear violation of the Copyright Act(s)?

5) Absent full, fair and actual notice, the party's settlement must be set aside as violative of the relevant rules of Civil Procedure, and the proper usages and customs of law.

Wherefore, for the reasons as set forth above, the undersigned author respectfully requests that the instant letter brief be filed, and the instant proposed settlement be stricken as violative of the Constitution, or, in the alternative, pertinent part of the Copyright Act.

Respectfully Submitted,


Mumia Abu-Tamal, Author

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